



ZACHARY W. CARTER
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

ALAN H. SCHEINER
Senior Counsel
phone: (212) 356-2344
fax: (212) 788-9776
ascheine@law.nyc.gov

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BY ECF & EMAIL
(Andrei Vrabie@nysd.uscourts.gov)

Honorable Robert W. Sweet
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Schoolcraft v. The City of New York, et al.
10-CV-6005 (RWS)

Your Honor:

I am a Senior Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, assigned to represent City Defendants in the above-referenced matter. I write in brief response to the letter of plaintiff's counsel of today, submitted in opposition to the defendants' request for adjournment, but consenting to a one-week adjournment.

First, to clarify the position of other defendants, counsel for Jamaica Hospital Medical Center has advised me that his client takes no position on the application for adjournment.

Second, plaintiff's purported reliance on the trial date in this matter was unreasonable in light of the pendency not only of the summary judgment motions (including plaintiffs' own motion), but the City defendants' application of March 20 for an adjournment of the trial date. The March 20 application was never ruled upon and accordingly was not denied. Plaintiff made a summary judgment motion which in the normal course implies plaintiff's own intent that it should be decided before trial. The plaintiff should have considered that the defendants' March 20 application could yet be granted, if summary judgment was not decided in time to allow for pre-trial submissions.

With due regard to the goal of the speedy resolution of disputes, plaintiff has no vested right in a particular trial date, which is subject to the Court's discretion, the rights of other parties, and the interests of justice. For the reasons set forth previously, the interests of justice and the avoidance of undue prejudice call for an adjournment, which will further the just and efficient conclusion of this matter.

The City defendants thank the Court for its time and attention to these matters.

Respectfully submitted,

/s/

Alan H. Scheiner
Senior Counsel
Special Federal Litigation Division

cc: Nathaniel Smith (By E-Mail)
Attorney for Plaintiff
Gregory John Radomisli (By E-Mail)
MARTIN CLEARWATER & BELL LLP
Attorneys for Jamaica Hospital Medical Center

Brian Lee (By E-Mail)
IVONE, DEVINE & JENSEN, LLP
Attorneys for Dr. Isak Isakov

Matthew Koster (By E-Mail)
CALLAN, KOSTER, BRADY & BRENNAN, LLP
Attorneys for Lillian Aldana-Bernier

Walter A. Kretz , Jr. (By E-Mail)
SCOPPETTA SEIFF KRETZ & ABERCROMBIE
Attorney for Defendant Mauriello